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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | | |
|---|--|--|--|
| Applicant's or agent's file reference | | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. | International filing date (day/month/year) | Priority date (day/month/year) | |
| PCT/US03/18091 | 08 July 2003 (08.07.2003) | 17 July 2002 (17.07.2002) | |
| International Patent Classification (IPC) or national classification and IPC | | | |
| IPC(7): A47G 29/02 and US Cl.: 248/235 | | | |
| Applicant | | | |
| DEVICE WORKS COMPANY | | | |
| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u> </u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p> | | | |
| Date of submission of the demand | | Date of completion of this report | |
| 13 February 2004 (13.02.2004) | | 24 January 2005 (24.01.2005) | |
| Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230 | | Authorized officer <i>Amy J. Sterling</i> Telephone No. 703-308-3271 | |

Form PCT/IPEA/409 (cover sheet)(July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/18091

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
 pages 1-25 as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☒ the claims:
 pages 26-31 as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☒ the drawings:
 pages 1-9 as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages NONE as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages None
- ☒ the claims, Nos. None
- ☒ the drawings, sheets/fig None

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/18091**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

| | | |
|-------------------------------|---|-----|
| Novelty (N) | Claims <u>35, 37, 41</u> | YES |
| | Claims <u>1-18, 20-29, 31-34, 36, 38-40</u> | NO |
| Inventive Step (IS) | Claims <u>35, 37, 41</u> | YES |
| | Claims <u>1-34, 36, 38-40</u> | NO |
| Industrial Applicability (IA) | Claims <u>1-41</u> | YES |
| | Claims <u>NONE</u> | NO |

2. CITATIONS AND EXPLANATIONS

Claims 1-18, 20-29, 31-24,36 and 38-40 lack novelty under PCT Article 33(2) as being anticipated by United States Patent No. 564,519 to Heysinger.

The reason is that Heysinger teaches at least two mounting brackets (See Fig. 2) having a front and back and an elongate J-shaped generally rigid beam portion (C) extending forwardly from a base portion (A) to terminate in a free beam end, the beam portion having a planar web having a plurality of slotted openings (E) intersecting a forward edge of the web, the web oriented in a web plane and having a selected web length between the base portion (A) and the free beam end, a selected web height between an upper and a lower edge thereof and a selected web thickness and a first flange (F) oriented transversely of the web and having a first flange width greater than the web thickness but less than the web height and a hook structure (F3) extending forwardly from the base and supported thereby. The base portion including a latch structure (B), the forward edge of the web including a rib (A4) and the rearward edge includes a rib (A4) proximate to the base portion, wherein the first flange is located on the upper edge of the planar web and extends forwardly for a first flange length and where the elongate beam portion (C) includes a second flange (F1) disposed on the lower edge of the planar web and extending forwardly for a second flange length, wherein the second flange has a first flange width that is greater than the web thickness and a length which is less than the first flange length and has forwardly convergent opposite side edges, wherein the hook structure (F3) extends forwards from the planar web and is an elongated arm spaced apart from the beam portion and terminating in a generally arcuate free arm end, and lies generally in the plane of the planar web, the free arm including a pad (f3), the pad having a rearward lip.

Claims 19 and 30 lack an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of United States Patent No. 6053456 to Kluge.

The reason is that Heysinger above shows the basic inventive concept with the exception that it does not show wherein the hook includes a gusset.

Kluge includes a hanger (51) with a hook portion (49) which has a gusset (50) used for it additional structural strength. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a gusset in the hook portion as taught above in order to increase the strength of the device.

Claims 35, 37 and 41 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest that the cable hangers each have a flexible elongated tail, the tail connected at the proximal end of a flat body and selectively engageable by a locking tab and an elastic cord. Nor does the prior art fairly suggest the method of securing the electronic cables by the brackets and placing electronic equipment on the mounting brackets as well.

----- NEW CITATIONS -----